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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,285	11/19/2003	Corey Dean Tunink	020375-019212US	1211

20350 7590 03/01/2005

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BOWER, KENNETH W

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,285

Applicant(s)

TUNINK ET AL.

Examiner

Kenneth W Bower

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 and 37-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-36 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,10 and 16 is/are rejected.
- 7) ☐ Claim(s) 3,5,6,8,9,11-15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17 and 21-36, drawn to a sheet delivery system and method of moving sheets, classified in class 271, subclass 9.11.
 - II. Claims 18-20 and 37-40 drawn to a detection system and method for detection, classified in class 271, subclass 3.15.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I. and II. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II. has separate utility such as a error detection system for a reprographic apparatus. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Darin Gibby on or about 02/01/2005 a provisional election was made without traverse to prosecute the invention of I., claims 1-17 and 21-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-20 and 37-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 7, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Mendes (2,821,384).

Mendes (2,821,384) discloses a delivery system (Fig. 1), frame (30), hoppers (50), upper belt (60), downward (arrow at Fig. 2), suction apparatus (54), moving system (Fig. 20), cylinder (158), linkage (Figs. 16 and 20), up and down (Fig. 10), tubing (158), rod (202) and lower belts (62 and 64). Each of the aforementioned elements having the claimed interrelationships.

Allowable Subject Matter

7. Claims 21-36 are allowed.

8. The following is an examiner's statement of reasons for allowance: A delivery method having all of the limitations of claims 21 in combination with the sheets passing between the upper belt and a roller below each hopper is not found nor is sufficient motivation to make the combination found in the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

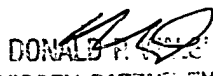
9. Claims 3, 5, 6, 8, 9, 11-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: A delivery system having all of the limitations of claims 1, 2 or 16 in combination with a contact roller, suction apparatus moveable beyond the belts, block and a guide, air jet, controller, transition belts, guide holding material to the upper belt, counter, vacuum transducer, thickness tester, is not found nor is sufficient motivation to make the combination found in the art of record.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W Bower whose telephone number is 703-306-4546. The examiner can normally be reached on 6:30AM to 3:30PM (out on alternate Fridays).

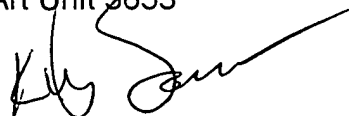
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY OF 1600

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kenneth W Bower
Examiner
Art Unit 3653



02/22/2005